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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,859	03/22/2001	Uwe Sydon	P01,0018	8027

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EXAMINER

PERILLA, JASON M

ART UNIT PAPER NUMBER

2634

DATE MAILED: 04/08/2004

*9*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,859

Applicant(s)

SYDON ET AL.

Examiner

Jason M Perilla

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-3/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-19 are pending in the instant application.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35

#### U.S.C. 119(a)-(d). ***Information Disclosure Statement***

3. The information disclosure statement (IDS) received on March 22, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "6" and "7" have both been used to designate a single antenna on figure 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. The Examiner notes the use of both 6 and 7 to designate the same item is not clear in view of the references 6 and 7 in figure 1. The Applicant is required to make corrections to the drawings *and specification where required*.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "21" have both been used to designate a controller on figure 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. The Examiner notes the use of

both 20 and 21 to designate the same item is not clear in view of the references 20 and 21 in figure 1. The Applicant is required to make corrections to the drawings *and specification where required*.

6. Figure 5 is objected to because it may confuse the embodiment of the invention. Reference 22 is internally labeled "QPSK-Mod./Demod.", however, the specification clearly points out that the controller (22) of figure 5 transmits GFSK modulated data to the ASIC (23) (page 10, lines 25-30). It is suggested that "QPSK" is stricken from the label of reference 22 or that it is replaced by GFSK.

7. Figure 6 is objected to because it may confuse the embodiment of the invention. Reference 20 or 21 is internally labeled "QPSK-Mod./Demod.", however, the specification clearly points out that the controller (20 or 21) of figure 6 transmits GFSK modulated data to the ASIC (23). It is suggested that "QPSK" is stricken from the label of reference 22 or that it is replaced by GFSK.

8. The proposed drawing changed submitted March 22, 2001 are approved by the examine

### ***Claim Objections***

9. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

10. Claims are objected to because of the following informalities:

Regarding claim 1, the terms "gives them to the" in line 6 should be replaced by –supplies— to make the claim read clearly. Alternatively, the terms "gives them to the" should be replaced at the Applicant's discretion to further the clarity of the claim.

Regarding claim 2, the phrase "controller in synchronized" beginning on line 2 should be replaced by –controller during synchronized--.

Regarding claim 3, the acronym DECT should be defined in the claim.

Regarding claim 6, the phrase "data are modulated" should be replaced by –data is modulated--.

Regarding claim 8, the acronym ASIC should be defined in the claim.

Regarding claim 12, the acronym DECT should be defined in the claim.

Regarding claim 15, the phrase "according to" is duplicated in line 1.

Regarding claim 18, there is no antecedent basis for "the carrier frequency" in line 2.

Regarding claim 19 there is no antecedent basis for "the carrier frequency" in line 1.

***Claim Rejections - 35 USC § 112***

11. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 10, the preamble of each of claims 1 and 10 clearly point to a transmitter or to a method of data transmission. However, the body of each of claims 1 and 10 provides limitations including the reception of data. Hence, the claims

become indefinite because it is unclear how a receiver or method for reception is to be included in only a transmitter or method for transmission:

Regarding claim 5, the limitation including "the synchronization received signal" in line 2 is lacking antecedent basis. Further, there are alternative interpretations one could make of a synchronization received signal due to lacking antecedent basis. For instance, claim 5 depends on claim 4 which provides antecedent basis for an adaptor module that "synchronizes to a received QPSK-modulated signal". Hence, the limitation of "time shifts the synchronization received signal" of claim 5 could be interpreted to be time shifting of the received QPSK-modulated data. However, claim 2 (although not a parent of claim 5) provides more probable antecedent basis with "a synchronization signal" in line 2. Therefore, the claim is ultimately indefinite and does require clarification.

Regarding claims 2-4, 6-9, and 11-19, the claims are rejected as being dependent upon rejected parent claims.

***Allowable Subject Matter***

12. Claims 1-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

13. The following is a statement of reasons for the indication of allowable subject matter:

The independent claims 1 and 10 provide for an adaptor module which is inline between an RF transmitter and a GFSK controller. The adaptor module converts GFSK modulated data output from the GFSK controller to QPSK modulated data as input to

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the RF transmitter. Further, the adaptor will convert received QPSK modulated data into GFSK modulated data for input to the controller. The prior art references do not disclose the inline adaptor for modulation conversion from GFSK to QPSK and from QPSK to GFSK. While the prior art may disclose switching between one modulation technique to another, it does not disclose a converter or adaptor.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to telecommunications among a plurality of frequency bands.

U.S. Pat. No. 5737703 to Byrne; Modulation handover method.

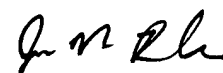
U.S. Pat. No. 5790587 to Smith et al; Multi-band system.

U.S. Pat. No. 5794159 to Portin; Dual band mobile station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Perilla whose telephone number is (703) 305-0374. The examiner can normally be reached on M-F 8-5 EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Chin can be reached on (703) 305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M Perilla  
March 24, 2004

jmp



**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINE**  
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